

# **EXHIBIT A**

**Paradela, Robert**

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**From:** Bower, Elizabeth  
**Sent:** Monday, November 27, 2017 10:00 AM  
**To:** 'Isolomon@gtlaw.com'; Fitzmaurice, James; McCallen, Benjamin; Baio, Joseph  
**Cc:** reddy@gtlaw.com; lazaro@gtlaw.com; underwoodc@gtlaw.com; savitt@gtlaw.com  
**Subject:** RE: Vale Discovery

Lou,

We have reviewed your proposal. It seems disconnected from the order issuing a letter rogatory directed to Vale. Our review of the order reveals that many, if not all, of the requests identified in item 2 are not included in the order. From your description, it appears that they may be requests BSGR made to Vale in the LCIA proceeding. We object to any attempt to use our international discovery requests – which you declined to supplement or join – as a back door attempt to litigate your LCIA proceeding. Please let us know if this is your client's position as soon as possible.

Thanks,

Liz

**Elizabeth Bower**  
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**From:** Isolomon@gtlaw.com [mailto:Isolomon@gtlaw.com]  
**Sent:** Monday, November 20, 2017 4:10 PM  
**To:** Bower, Elizabeth <EBower@WILLKIE.COM>; Fitzmaurice, James <JFitzmaurice@willkie.com>; McCallen, Benjamin <BMcCallen@willkie.com>; Baio, Joseph <jbaio@willkie.com>  
**Cc:** reddy@gtlaw.com; lazaro@gtlaw.com; underwoodc@gtlaw.com; savitt@gtlaw.com  
**Subject:** RE: Vale Discovery

Liz, thank you for your note below. Time differences did not permit us to get an answer to your question. What we have recommended to our client is as follows – we are awaiting their response. Please let us know as soon as you are able if it is acceptable to you and Vale:

- 1) We object to any agreement that reads out the relevancy requirement imposed by Judge Peck in signing the request;
- 2) Subject to the above, we agree that Vale may make its production available if Vale will confirm that in Vale's LCIA production it searched for and produced any and all documents that are responsive to the following requests, and that to the extent they cannot so confirm it undertakes now to search for and produce the following documents:
  - a. All Documents and Communications concerning Your statement in the Vale 2014 Annual Report that "Vale acquired its interest in VBG after the completion of extensive due diligence conducted by outside

advisors and on the basis of representations that VBG had obtained its mining rights lawfully and without any improper promises or payments.”

- b. All Documents and Communications concerning the Draft Memorandum of Understanding.
  - c. All Documents and Communications among Daniela Chimisso, Vale former Deputy General Counsel, and Soros, OSF, or Soros Fund Management.
  - d. All Documents and Communications among Murilo Ferriera, then-CEO of Vale, and Soros, OSF, or Soros Fund Management.
  - e. All Documents and Communications with George Soros or any relative of George Soros or OSF (as defined to include all OSF entities) concerning (i) BSGR; (ii) Beny Steinmetz; or (iii) mining in Guinea.
  - f. All Documents and Communications concerning funding, payments, reimbursement or other financial assistance or items of value You have received or been promised, directly or indirectly, from (i) George Soros or any relative of George Soros; (ii) OSF; (iii) Guinea; (iv) any other program, initiative, partnership, organization, association, individual, or entity concerning mining in Guinea.
  - g. All Documents and Communications concerning funding, payments, reimbursement, financial assistance, services or items of value you have provided to (i) Guinea; (ii) George Soros or any relative of George Soros; (ii) OSF; (iii) any other program, initiative, partnership, organization, association, individual, or entity concerning mining in Guinea.
  - h. All Documents and Communications with or among Veracity Worldwide (“Veracity”), Stephen Fox, an investigator with Veracity, the international law firm DLA Piper LLP (“DLA Piper”) or Scott Horton of DLA Piper concerning (i) BSGR; (ii) Beny Steinmetz; or (iii) mining in Guinea.
  - i. All Documents and Communications concerning any communications with or among Veracity Worldwide (“Veracity”), Stephen Fox, an investigator with Veracity, the international law firm DLA Piper LLP (“DLA Piper”) or Scott Horton of DLA Piper concerning (i) BSGR; (ii) Beny Steinmetz; or (iii) mining in Guinea.
- 3) We cannot agree to produce Vale’s pleadings, briefs, and witness statements (collectively “pleadings”) absent a prior written exculpation and indemnification from Vale that doing so will not actually or arguably interfere with the rights of any person or entity and that Vale has secured all necessary consents for such disclosure. Assuming everything else is agreeable, BSGR would intend to review Vale pleadings for documents cited therein that are relevant and otherwise responsive to Defendants document requests in this action. We note that Vale’s pleadings in the LCIA arbitration are plainly irrelevant and will be inadmissible in this matter. Second, those documents contain references to third parties and to confidential documents produced by those third parties. Plaintiffs do not have the authority to waive confidentiality on the behalf of third parties. Our position, therefore, is that we will not be producing Vale’s pleadings and would object to their production by Vale.

Louis M. Solomon

Global Co-Head, International Litigation

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*Lou’s International Practice Domain:*

E-book ([www.internationalpractice.org](http://www.internationalpractice.org)); Blog (<http://blog.internationalpractice.org>)

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**From:** Bower, Elizabeth [mailto:EBower@WILLKIE.COM]

**Sent:** Friday, November 17, 2017 2:02 PM

**To:** Solomon, Louis M. (Shld-NY-LT); Reddy, Anne C. (Assoc-NY-LT); Lazaroff, Michael S. (Shld-NY-LT)

**Cc:** Baio, Joseph; McCallen, Benjamin; Fitzmaurice, James

**Subject:** Vale Discovery

Lou,

Vale's US counsel, Jon Blackman at Cleary, reached out and proposed a resolution of Defendants' international discovery order that Judge Peck recently entered. In lieu of enforcement of that order, Vale proposes producing to Defendants its production from the LCIA arbitration and consenting to BSGR's production of Vale's pleadings, briefing, and witness statements from the LCIA arbitration. We understand that some of Vale's briefing and witness statements include documents produced by BSGR in that proceeding. As you have been ordered to produce those documents to Defendants in this case, this should not be an issue. Vale is requesting BSGR's agreement that any Vale materials produced pursuant to this resolution be deemed confidential under the terms of the protective order and restricted to use in our proceeding with destruction or return upon completion of the case. Defendants are prepared to agree to these terms. Please let us know BSGR's position by Monday, November 21 so we may begin papering the agreement for submission to Judge Peck.

Thanks,

Liz

**Elizabeth Bower**

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